

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARELIUS MCMURRAY,

Petitioner,

2:05-cv-00541-GEB-DAD-P

vs.

SCOTT KERNAN, Warden,

Respondent.

ORDER

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Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 28, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On July 22, 2005, the magistrate judge granted petitioner a

1 thirty-day extension of time to file objections. Petitioner has
2 filed objections to the findings and recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed June 28,
10 2005, are adopted in full;

11 2. Respondent's April 25, 2005 motion to dismiss is
12 granted; and

13 3. Petitioner's application for a writ of habeas
14 corpus is dismissed with prejudice on the ground that
15 petitioner's claims are not cognizable in this federal habeas
16 proceeding.

17 Dated: September 15, 2005

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19 /s/ Garland E. Burrell, Jr.
20 GARLAND E. BURRELL, JR.
21 United States District Judge
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